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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,388 08/06/99 BELETSKY

R 01-0941-556

EXAMINER

PM82/0613

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BRITTAIN, J.  
ART UNIT PAPER NUMBER

3626  
DATE MAILED:

06/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.

09/370,388

Applicant(s)

BELETSKY, ROBERT

Examiner

James R. Brittain

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,8-10,12-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-10,14-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 5, 8, 9 and 18 is withdrawn in view of the newly discovered reference(s) Japanese patents JP10-42912, JP7-275012, and JP10-211005. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The passage "said male buckle engaging part of said female buckle part including a pair of flexible prongs" (claim 1, lines 9-10) is misdescriptive because the flexible prongs are part of the male part and not the female buckle part as indicated in this passage. That is, "said female buckle part" should be changed to --said buckle--.

The remaining claims are indefinite because they depend from an indefinite claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 14 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP10-42912.

JP10-42912 (figures 1-14) teaches buckle structure including a male part including a belt attachment loop 11 and one end and a pair of prongs 13 at the opposite end. There is a female part including a pair of recesses 30 in each of the sides to engage the prongs 13 when the male part is inserted and flex under finger pressure to release the male and female parts. There is a cantilevered resilient member 40 acting as a lock via its side edges to block the inward release of the prongs 13. The cantilevered resilient member 40 is located between the prongs 13. The slide 50 acts to disengage the cantilevered member 40 from its blocking position.

Claims 1, 3, 8-10, 14-17, 19 and 20 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by JP10-211005.

JP10-211005 (figures 1-41) teaches buckle structure including a male part including a belt attachment loop 11 and one end and a pair of prongs 13 at the opposite end. There is a female part including a pair of recesses 40 in each of the sides to engage the prongs 13 when the male part is inserted and flex under finger pressure to release the male and female parts. There is a cantilevered resilient member 22 acting as a lock via the side edges 25 of its free end to block the inward release of the prongs

13. The cantilevered resilient member 22 is located between the prongs 13. The button 27 extends through an opening in the female part and acts to disengage the cantilevered member 22 from its blocking position.

Claims 14-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP7-275012.

JP7-275012 (figures 11-18) teaches buckle structure including a male part including a belt attachment loop 11 and one end and a pair of prongs 12a, 12b at the opposite end. There is a female part including a pair of recesses 23a, 23b in each of the sides to engage the prongs 12a, 12b when the male part is inserted and flex under finger pressure to release the male and female parts. There is a cantilevered tongue 17a, 17b carrying resilient member 50b acting as a lock via the side edges 52a, 52b of its free end to block the inward release of the prongs 12a, 12b. The member 50b is resilient through the pair of resilient trailing legs which position the member within the cantilevered tongue 17a, 17b and the resiliently openable slit in the nose of the blocking member which terminates in aperture 53b and must expand to receive the locking protrusion 29b, shown in figure 12. The cantilevered resilient member 50b is located between the prongs 13. The button 51b extends through an opening in the female part and acts to disengage the side edges 52b of the blocking member from its blocking position.

Claim 14 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Galbreath (US 6,138,330).

Galbreath teaches buckle structure including a male part 10 including a belt attachment loop and one end and a pair of prongs 11a, 11b at the opposite end. There is a female part 13 including a pair of recesses 14a, 14b in each of the sides to engage the prongs 11a, 11b when the male part is inserted and flex under finger pressure to release the male and female parts. There is a cantilevered resilient member 15a acting as a lock via its side edges to block the inward release of the prongs 11a, 11b. The cantilevered resilient member 15a is located between the prongs 11a, 11b.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Response to Amendment***

The Galbreath US6,138,330 reference is a U.S. patent that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the patent is claiming the same patentable invention, see MPEP § 2306. The patent can only be overcome by establishing priority of invention through interference proceedings. See MPEP Chapter 2300 for information on initiating interference proceedings.

### ***Election/Restrictions***

Claims 12 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP7-100005 and JP4-221502 teach pertinent buckle structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3626

jrb  
June 11, 2001